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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,891	08/21/2000	Jeffry Jovan Philyaw	PHLY-25,338	8887

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EXAMINER

KANG, PAUL H

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/642,891

Applicant(s)

PHILYAW, JEFFRY JOVAN

Examiner

Paul H. Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 13-24 have been cancelled. Claims 1-12 are now pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-5 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borecki et al., US Pat. App. No. US 2002/0016749 A1, in view of Perkowski., US Pat. No. 6,064,979.**

4. As to claim 1, Borecki teaches the invention substantially as claimed. Borecki teaches a system and method of accessing personal account information of a credit card associated with a user over a global communication packet-switched network, comprising the steps of:

connecting a user location to the specific and unique credit card company server across the network in accordance with a known URL (Borecki, Figure 2A and page 2, paragraph 0034-0035);

transmitting the account information to the specific and unique credit card company server over the network (Borecki, Figure 2A and page 2, paragraph 0034-0035 and page 3, paragraph 0039);

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using customer account information at the specific and unique credit card company server to determine the personal account information associated with the customer account information from the credit card company server, to the user location (Borecki, page 3, paragraph 0040); and presenting the information to the user at the user location (Borecki, page 2, paragraph 0034-0035 and page 3, paragraph 0040).

However, Borecki does not explicitly teach automating the steps of accessing said credit card company server. Specifically, Borecki does not explicitly teach:

at a user location disposed on the network, resolving a machine-resolvable code (MRC) having coded information contained therein and disposed on the credit card of the user, the coded information having no personal information contained therein relating to the user;

extracting coded information from the MRC, the coded information associated with routing information that is associated with both the personal account information of the user and a credit card company server;

in response to the steps of resolving and extracting, obtaining the routing information to the credit card server associated with the extracted coded information;

connecting the user location to the credit card company server across the network over a determined route in accordance with the routing information.

In the same field of endeavor, Perkowski teaches a system and method for automatically retrieving information related to a commercial product by scanning an MRC (Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26 and col. 19, lines 38-40).

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Perkowski teaches at a user location disposed on the network, reading a machine-resolvable code (MRC) disposed on a commercial product of a user with a reading device (Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26 and col. 19, lines 38-40);

extracting coded information from the MRC, the coded information associated with routing information that corresponds to the commercial product information stored on a company server disposed on the network (Perkowski, col. 19, lines 12-55);

in response to the steps of reading and extracting, obtaining the routing information associated with the extracted coded information (Perkowski, col. 19, lines 12-55);

connecting the user location to the company server across the network over a determined route in accordance with the routing information (Perkowski, col. 19, lines 12-55).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the automated data entry and data locating system, as taught by Perkowski, into the credit card account information retrieval system of Borecki, for the purpose of enhancing the user friendliness of the system by automating manual data entry and automatically retrieving credit card information.

5. As to claims 2-5, and 8, Borecki-Perkowski teach the system wherein the MRC is an optical indicia, a barcode, wherein the optical indicia is used to extract the corresponding routing information and personal identification information, wherein a unique code is transmitted to a remote intermediate location, and returning a matched remote location information to the user (Borecki, Figure 2A and page 2, paragraph 0034-0035 and Perkowski, col. 3, line 63 – col. 4,

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line 4; col. 5, lines 19-26; and col. 19, lines 12-55).

6. As to claim 7, Borecki-Perkowski teach the use of a computer display at the user location (Borecki, page 2, paragraph 0034-0035 and page 3, paragraph 0040).

7. As to claims 9 and 11, Borecki-Perkowski teach a method for accessing personal information from a remote location on a network, as applied to claim 1 above, comprising the steps of:

reading at a user location on the network a unique information access code disposed on a portable access device that is carried by a user, which unique information access code is associated with routing information on the network to the remote location and also with personal information at the remote location of a user that is associated with the portable access device (Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26 and col. 19, lines 12-55);

accessing the remote location in accordance with the routing information (Perkowski, col. 19, lines 12-55);

transmitting to the remote location the unique information access code (Borecki, Figure 2A and page 2, paragraph 0034-0035 and page 3, paragraph 0039); and

at the remote location, receiving the unique information access code and accessing personal information associated therewith and forwarding the personal information back to the user location for viewing by the user (Borecki, Figure 2A and page 2, paragraph 0034-0035 and page 3, paragraph 0039);, the step of forwarding comprising:

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sending from the remote location a request for personal identification after determining that there is contained in the database local to the remote location personal information associated with the unique information access code (Borecki, paragraphs 0034-0035),

entering the personal identification information at the user location (Borecki, paragraphs 0034-0035 and 0039-0040); and

in response to input of a personal identification information by the user, returning the personal information to the user location (Borecki, paragraphs 0039-0040).

8. As to claim 10, Borecki-Perkowski teach the method wherein the network is a global communication network (Borecki, page 2, paragraph 0031).

9. As to claim 12, Borecki-Perkowski teach the method wherein the step of accessing comprises the steps of:

in response to the step of reading, accessing an intermediate location on the network remote from the user location (Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26 and col. 19, lines 12-55);

transmitting the unique information access code to the intermediate location from the user location (Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26 and col. 19, lines 12-55);

the intermediate having contained thereat a database with associations between a plurality of unique information access codes and remote locations on the network (Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26 and col. 19, lines 12-55);

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comparing the received unique personal access code with the stored personal access code (Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26 and col. 19, lines 12-55);

if a match is found, returning the matched remote location information to the user location (Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26 and col. 19, lines 12-55);
and

utilizing the returned remote location information from the intermediate location to access the remote location (Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26 and col. 19, lines 12-55).

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borecki-Perkowski, as applied above, further in view of Brook et al., US Pat. No. 6,170, 746 B1.

11. As to claim 6, Borecki-Perkowski teach the invention substantially as claimed. However, Borecki-Perkowski does not explicitly teach a wireless scanner. In the same field of endeavor, Brook teaches a wireless barcode scanner (Brook, figure 1 and col. 3, line 6 – col. 4, line 41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the wireless barcode scanner, as taught by Brook, into the system of Borecki-Perkowski, for the purpose of increasing user convenience and mobility.

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12. Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parry, US Pat. No. 6,148,331, in view of Janning et al., US Pat. No. 6,446,049 B1.

13. As to claims 1 and 9, Parry teaches the invention substantially as claimed. Parry teaches a system and method of accessing information associated with a user over a global communication packet-switched network, comprising the steps of:

at a user location disposed on the network, resolving a machine-resolvable code (MRC) having coded information contained therein and disposed on an object, the coded information having no personal information contained therein relating to the user;

extracting coded information from the MRC, the coded information associated with routing information that is associated with both the personal information of the user and a company server;

in response to the steps of resolving and extracting, obtaining the routing information to the server associated with the extracted coded information;

connecting the user location to the credit card company server across the network over a determined route in accordance with the routing information such as a known URL (Borecki, Figure 2A and page 2, paragraph 0034-0035);

transmitting the information to the specific and unique company server over the network (Borecki, Figure 2A and page 2, paragraph 0034-0035 and page 3, paragraph 0039);

using customer information at the specific and unique company server to determine the information associated with the customer information from the company server, to the user location (Borecki, page 3, paragraph 0040); and

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presenting the information to the user at the user location (Borecki, page 2, paragraph 0034-0035 and page 3, paragraph 0040).

However, Borecki does not explicitly teach the information is credit card information and personal information is credit card related information. In the same field of endeavor, Janning teaches a system and method for accessing user credit card related information, such information having no personal information contained therein relating to the user, and using this information to access user's personal credit card account online (See Janning, Abstract and col. 28, line 1 – col. 29, line 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the credit card access system of Janning into the automated information access system of Parry for the purpose of easily and efficiently obtaining user's credit information while maintaining anonymity as well as convenience.

Response to Arguments

14. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection. The Applicant argued in substance that the prior art of record failed to teach or suggest the newly added limitations. The new grounds of rejection teaches the newly added limitations.

Applicant's arguments filed April 29, 2005 have been fully considered but they are not persuasive. The applicants argued in substance that the prior art of record fails to teach the invention as claimed. Specifically, the applicants argue that "the Borecki reference, as cited by

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the Examiner, is a system wherein a user connects to a server by accessing a website specifically for the purpose of entering information. After the website has been contacted, then the user inputs a code, that being the personal ID and password, such that account information can be retrieved. Borecki does not do anything to determine if the location of the credit card server has a function of the code; rather, the user must know the location of the credit card server to obtain connection thereto. The Examiner has utilized the Perkowski reference in combination with the Borecki reference to put forth the full rejection. Perkowski merely provides a method for utilizing a bar code or a machine readable code for the purpose of providing access to a website.” See Remarks, page 7.

The examiner respectfully disagrees with applicants’ arguments. Here, applicants argue against the references individually, that each reference separately do not teach all limitations of the claimed invention. However, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The rejection as set forth relies upon Perkowski for an automated system wherein some information is scanned by a remote device, this information is transferred to a remote server to retrieve address and other relevant information related to the information. Thereafter, a website containing further information related to the information is retrieved. Borecki was relied upon to show that it is obvious to combine credit card information with the automated system of Perkowski.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

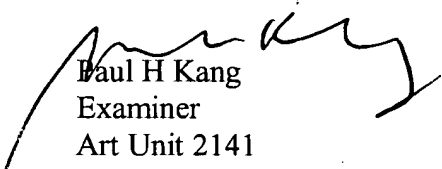
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul H Kang
Examiner
Art Unit 2141